

REMARKS

Claims 1-23 are pending in the subject application. By this Amendment, claims 1-5, 9, 10 and 20 have been amended to place them in better form for examination and/or to clarify the claimed invention thereof. Accordingly, claims 1-23 are presented for reconsideration, with claims 1 and 20 being in independent form.

Support for the amendments to claims 1 and 20 may be found, inter alia, in the specification at page 12, lines 1-11; and page 18, lines 13-17.

Applicant maintains that no new matter is presented by this amendment. Accordingly, Applicant respectfully requests that this Amendment be entered.

Objection under 35 C.F.R. §1.75(c)

In Section 1 of the April 20, 2006 Office Action, claim 5 was objected to under 37 C.F.R. § 1.75(c) as purportedly in improper form.

By this Amendment, claim 5 has been amended to remove the multiple dependencies therein.

Withdrawal of the objection under 37 C.F.R. § 1.75(c) is respectfully requested.

Rejection under 35 U.S.C. §112, second paragraph

In Section 2 of the April 20, 2006 Office Action, claims 2-4, 8-10 and 20 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner stated that claims 2, 3, 9 and 10 recite the limitation "and/or". The Examiner further stated that it was unclear, and the limitation should read "and" or "or", but not both.

The Examiner stated that claim 4 recites the limitation "potentially". The Examiner further stated that this makes the claim scope confusing and it is unclear if there is a restriction placed on when the Burst-message is to be sent.

The Examiner stated that claim 8 recites the limitation "said identification". The Examiner further stated that there is insufficient basis for this limitation in the claim.

The Examiner stated that claim 10 recites the limitations "said software component(s)" and "said multimedia data". The Examiner further stated that there is insufficient antecedent basis for these limitations in the claim.

The Examiner stated that claim 20 recites the limitation "said Web-site" and that there is insufficient antecedent basis for this limitation in the claim.

By this Amendment, claims 1-4, 9, 10 and 20 have been amended to place the pending claims in better form for examination.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102(e)

In Section 3 of the April 20, 2006 Office Action, claims 1-4, 6-14, 17, 18 and 20-23 were rejected under 35 U.S.C. § 102(e) as purportedly anticipated by U.S. Patent No. 6,973,436 to Shkedi.

The Examiner stated that Shkedi teaches a system and method for generating messages to a website browser that includes all of the limitations recited in the above claims.

Regarding claims 1 and 20, the Examiner stated that Shkedi teaches the indication of a connection of a user to a website, the sending of data required for generating a message, and the generating of a message on the web terminal of the user (Abstract).

Regarding claims 2-4, 6, 9, 10, 13, 14, 17, 18 and 23, the Examiner stated that Shkedi teaches the message as being interactive, written in HTML, interstitial, linking (HTML page address pointers), multimedia, DHTML, interactive, entertainment (user could enjoy looking at advertisements), and advertisements.

Regarding claim 7, the Examiner stated that the indication of Shkedi is inherently provided by software within the webpage (Abstract).

Regarding claim 8, the Examiner stated that Shkedi uses the IP address to identify the user (Column 6, lines 13-25).

Regarding claims 11, 12, 21 and 22, the Examiner stated that Shkedi teaches a web-TV content provider (set-top box) as being a communication node (being on the internet inherently requires a computer of some sort) (Column 4, lines 12-16).

Applicant maintains that Shkedi does not render the claimed invention of claims 1 and 20 as amended unpatentable, since Shkedi fails to disclose or suggest several features of the claimed invention.

The present application relates to techniques for generating bursting-messages on a user's Web-terminal while the user browses a Web-site from the Web-terminal. In particular, the data sent to the Web-terminal includes content and at least one of script and executable file for generating a Burst-message on the Web-terminal. Such an approach allows the attributes of the messages to be varied dynamically, allows the message to comprise multimedia presentation, and allows generation of the message to have a minor influence on the performance of the display of the Web-site.

Shkedi, as understood by Applicant, proposes an approach for determining the advertisement information to deliver from an advertisement distributor to visitors of a Web site. In particular, Shkedi proposes that the Web site builds a visitor profile for each visitor and transfers the visitor profile to an intermediary which enhances the profile and in turn transfers the enhanced profile to the advertisement distributor. The advertisement distributor determines the advertisement information to deliver to a visitor based on the visitor's profile.

Shkedi, column 7, lines 4-13, proposes a laundry list of Web programming techniques for delivering the advertisement.

However, Shkedi does not disclose or suggest sending to the Web-

terminal, data including content and at least one of script and executable file for generating a Burst-message on the Web-terminal, as provided by the subject matter of claims 1 and 20 as amended. It should be noted that Shkedi is directed to delivering relevant advertisement content and is not particularly concerned with the technical approach for delivering the content.

Regarding claims 2-4, 6-14, 17 and 18, Applicant respectfully points out that claims 2-4, 6-14, 17 and 18 depend on and includes all the limitations of claim 1. Thus, claims 2-4, 6-14, 17 and 18 are patentable at least for the reasons set forth above with respect to claim 1.

Similarly, claims 21-23 depend on and includes all the limitations of claim 20. Thus, claims 21-23 are patentable at least for the reasons set forth above with respect to claim 20.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-4, 6-14, 17, 18 and 20-23 under 35 U.S.C. § 102(e).

Rejections Under 35 U.S.C. § 103(a)

In Section 4 of the April 20, 2006 Office Action, claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shkedi. In Section 5 of the April 20, 2006 Office Action, claim 19 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shkedi in view of U.S. Patent Application Publication No. 2002/0062245A1 (Niu).

Regarding claims 15 and 16, the Examiner acknowledged that Shkedi does not specify the termination of a message.

However, the Examiner alleged that it would have been obvious to one having ordinary skill in the art at the time the invention was made for the user to terminate the advertisement. The Examiner stated that otherwise, the advertisement would continue running forever and would use valuable computer resources.

Regarding claim 19, the Examiner acknowledged that Shkedi does not specify the generated message as containing chat components.

The Examiner stated that Niu teaches offering promotions over websites using banner advertisements as well as live text chat (Paragraph 0044).

The Examiner alleged that it would have been obvious to one having ordinary skill in the art at the time the invention was made to offer chat components in a generated website message. The Examiner further stated that this would allow for immediate feedback from the user.

Applicant maintains that Shkedi and Niu do not render obvious the claimed invention of the present application. The claimed invention is patentable over the cited art for at least the following reasons.

As discussed above, Shkedi (as understood) proposes a laundry list of Web programming techniques for delivering the advertisement, and does not disclose or suggest, however, sending to the Web-terminal, data including content and at least one of script and executable file for generating a Burst-message on the Web-terminal, as provided by the subject matter of claim 1 as amended from which claims 15, 16 and 19 depend.

Niu does not cure the deficiencies of Shkedi.

Niu, as understood by Applicant, proposes generating real-time promotions to a visitor of an e-commerce website to increase the likelihood of purchase on the website by the visitor. Niu proposes analyzing clickstream data, and calculating the probability that the visitor will leave the website or will make a purchase on the website based upon this clickstream data. The calculated probabilities, the frequency of visits to the website by the visitor and the time of the visit to the website, are utilized to decide whether real-time promotions should be generated on the website. If it is decided that promotions should be generated, then the promotions to send, when to send them, and how to send them are determined.

Niu proposes sending scripts from a server to a client side that instructs the browser to gather and collect predetermined information (for determining the probability that the visitor will leave the website or will make a purchase on the website) from the visitor client entity.

Niu, like Shkedi, fails to disclose or suggest, however, sending to the Web-terminal, data including content and at least one of script and executable file for generating a Burst-message on the Web-terminal, as provided by the subject matter of claim 1 as amended from which claims 15, 16 and 19 depend.

Therefore, even a combination of Shkedi '436 and Niu fails to teach or render obvious all features of the claimed invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 103.

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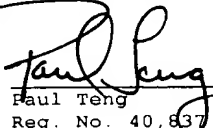
In view of the amendments to the claims and remarks hereinabove, Applicant maintains that claims 1-23 are now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

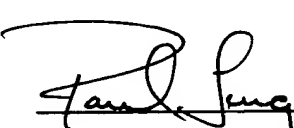
If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorneys invite the Examiner to telephone them at the telephone number provided below.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Paul Teng Reg. No. 40,837	September 12, 2006 Date


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